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June 30, 2017

Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

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FEDERAL ELECTION COMMISSION  
JUN 30 2017 2:50 PM

Re: Response of Ed Setzler in MUR 7251

Dear Mr. Jordan:

This letter is submitted on behalf of Georgia State Representative Ed Setzler ("Respondent") in response to the Complaint (the "Complaint") filed by Mr. Will Fowlkes in the matter designated by the Commission as MUR 7251. For the reasons set forth herein, Respondent denies the allegations contained in the Complaint, and denies that he has violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Respondent also respectfully requests that the Complaint against him be dismissed.

The Complaint alleges that Congressman Barry Loudermilk, his campaign committee "and several of his political allies in Georgia appear to be engaged in a criminal scheme to knowingly make and accept conduit contributions in order to evade federal prohibitions on transferring money from a nonfederal to a federal campaign committee." The Complaint further contends that his alleged illegal conduct is being done by "making illegal conduit contributions to the [Loudermilk for Congress] from Rep. Loudermilk's state campaign committee through the campaign accounts of Rep. Loudermilk's friends in Georgia . . . ."

With respect to Respondent, the only facts that are offered in support of this alleged criminal scheme are (1) that on March 31, 2014, Respondent's state candidate campaign committee contributed \$500 to Loudermilk for Congress, and (2) that on October 22, 2014 - some seven months later - Rep. Loudermilk's state candidate campaign committee contributed

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\$500 to Respondent's campaign committee. It is alleged that this conduct somehow violated 11 C.F.R. § 110.3(d), which provides in relevant part that "[t]ransfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited."

For a variety of reasons, Respondent categorically denies that he has violated the Act. As an initial matter, the section of the Commission's regulations that Respondent purportedly violated applies only to federal candidates. On its face, this regulation does not apply to state candidates such as Respondent. Quite simply, it is not possible for Respondent, a state candidate, to have violated a Commission regulation which on its face applies only to federal candidates. The Complaint against Respondent must therefore be dismissed.

In addition, each of the contributions cited in the Complaint that involve Respondent or his state campaign committee were perfectly legal and in accordance with both federal and Georgia state law. Indeed, beyond suggesting that the contributions are somehow suggestive of a criminal scheme, the Complaint does not allege that the contributions themselves were illegal.

Respondent also categorically denies that, in making his contribution to Loudermilk for Congress and in accepting, many months later, a contribution from Rep. Loudermilk's state candidate campaign committee, he was somehow engaging in any sort of criminal scheme to violate federal law. The Complaint cites to absolutely no evidence suggesting that some sort of a scheme existed, and it is respectfully submitted that none exists.

As the Commission is aware, the Commission "may find 'reason to believe' [that a respondent has violated the Act] only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of [the Act]." MUR 4960, Statement of Reasons of Commissioners Mason, Sandstrom, Smith, and Thomas at 1 (emphasis added); see also 11 C.F.R. 111.9(a). Moreover, the Commission's rules also require that a complaint "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. 111.4(d)(3). The Complaint in this case clearly fails to satisfy these standards.

Respondent accordingly respectfully request that this Complaint against him be dismissed. Thank you for your prompt attention to this matter.

Sincerely,

/s/ Douglas Chalmers Jr.

Douglas Chalmers, Jr.

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